

REMARKS

In response to the Office Action mailed February 11, 2003, the applicant elects restriction to group I as defined by the Examiner, consisting of claims 1 – 25. The claims for group II have been deleted, to reduce issues.

Within this group of claims, two species have been identified by the Examiner. Species I, consisting of claims 1 – 9, is summarized by the Examiner as requiring "first, second and third elements having a differential group delay ratio of 1:2:1" and "a single controlling means".

Species II, consisting of claims 10 – 20, is summarized by the Examiner as making "no reference to a ratio between the birefringent elements" and having "a second control means for controlling the second birefringent element".

In fact, claim 10 requires the first compensator unit to comprise "first, second and third birefringent elements" (line 6 of claim 10) "having first, second and third differential group delays in the ratio 1:2:1". (lines 8-9 of claim 10). The "first control means" of claim 10 is equivalent to the "means for controlling" of claim 1, and is the only control means defined for the first compensator unit.

Thus, the "first compensator unit" of claim 10 has the same structure as the device of claim 1.

The "second control means" of claim 10 is not "for controlling the second birefringent element", but is in fact part of a second compensator unit (see claim 10 lines 17 – 18).

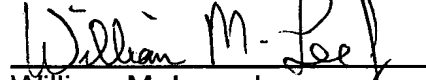
In view of the comments above, it is submitted that there is not more than one patentably distinct species within claims 1 to 25, and accordingly reconsideration of this issue is requested.

The applicants thus provisionally elect Species I with traverse.

Further consideration of the application is now awaited.

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Respectfully submitted,



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